

## **REMARKS**

Applicants have amended Claim 7 to limit component (a) to the compound of the formula (I-b-1) (also known as spiromesifen) and to limit component (b) to diafenthiuron, azocyclotin, fenpyroximate, spinosad, endosulfan, and fenazaquin. Applicants have also corrected the spelling of fenpyroximate (which appeared in original Claim 7 as fenpyroximat but is spelled correctly in the specification at page 8, line 9). Applicants have accordingly canceled Claims 8 and 9, as well as Claims 11-12 and 14-15. Claims 7, 10, and 13 are thus pending.

### **Rejection under 35 U.S.C. 112**

Claims 7, 8, 10, 11, 13, and 14 stand rejected under 35 U.S.C. 112, first paragraph, as not being enabling with respect to the full breadth of the claims. Applicants gratefully acknowledge the Examiner's suggestion at page 5 of the Office Action concerning this rejection. In view of the amendment to the claims to specify compositions containing spiromesifen and the six compounds now specified for component (b), Applicants respectfully submit that their claims fully satisfy the requirements of 35 U.S.C. 112.

### **Rejection under 35 U.S.C. 103**

Claims 7-15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over WO 2000/042850 ("Wachendorff-Neumann", a counterpart of which is U.S. Patent 6,436,988) and the cited Ruder et al journal article in *Pesticide Biochemistry and Physiology*. Applicants respectfully traverse.

As fully discussed at pages 18-19 of Applicants' previous Amendment dated February 27, 2006, Wachendorff-Neumann discloses the formula for spiromesifen (and optional extenders and/or surfactants) for use in controlling insects. However, Wachendorff-Neumann does not disclose combinations with other active ingredients, much less combinations of spiromesifen with the active ingredients specified by Applicants. The Ruder et al article discloses diafenthiuron but (based on the provided abstract) does not disclose mixtures with other active ingredients, much less with spiromesifen. For this reason alone, Applicants believe that those skilled in the art would not be led by the cited references to their claimed invention.

In further support for their position, Applicants again refer to the previously submitted Declaration under 37 C.F.R. 1.132 of Dr. Wolfgang Thielert showing unexpectedly enhanced activity for a combination of spiromesifen and some of the

other compounds within the present claims and now submit a second Declaration under 37 C.F.R. 1.132 of Dr. Wolfgang Thielert showing unexpectedly enhanced activity for all of the claimed compositions. Applicants therefore respectfully submit that they have overcome any inference of obviousness.

Applicants note in this regard that the Office Action has asserted that the test results for the combination of spiromesifen and diafenthiuron are not persuasive because the observed result is only 20% more than the calculated result. Applicants believe that such an additive increase is rather substantial, especially since the expected 40% mortality is only two-thirds the observed mortality of 60%. [Expressed differently, the observed mortality represents an increase of 50% over the expected result.] Applicants maintain that this is a significant enhancement, as are the results found for the other combinations within their claims.

Applicants therefore respectfully submit that their claimed invention is not rendered obvious by Wachendorff-Neumann and the cited Ruder et al article.

In view of the preceding amendments and remarks, allowance of the claims is respectfully requested.

Respectfully submitted,

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